

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION

In re: \_\_\_\_\_ ) Chapter 11  
                  ) )  
EASTERN LIVESTOCK CO., LLC,         ) Case No. 10-93904-BHL-11  
                  ) )  
                  Debtor.                 ) \_\_\_\_\_ )

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**TRUSTEE'S FIRST OMNIBUS OBJECTION TO  
AMENDED AND/OR DUPLICATE CLAIMS**

James A. Knauer, the chapter 11 trustee appointed in this case ("Trustee"), pursuant to Rule 3007 of the Federal Rules of Bankruptcy Procedure ("Bankruptcy Rules"), hereby objects ("Duplicate Claim Objection") to the claims identified on Exhibit A attached hereto (individually, a "Claim" and collectively, "Claims") because the Claims are revised by other later-filed claims and/or are duplicates of other filed claims.

**Jurisdiction**

1. This Court has jurisdiction over this Duplicate Claim Objection under 28 U.S.C. § 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2)(B). Venue of this proceeding and this Duplicate Claim Objection is properly in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The statutory bases for the relief requested herein are 11 U.S.C. §§ 502, 506 and 507 and Rules 3001 and 3007 of the Bankruptcy Rules.

**Background**

3. On December 6, 2010 (the "Petition Date"), an involuntary chapter 11 bankruptcy petition was filed to commence a chapter 11 case (the "Chapter 11 Case") against Eastern Livestock Co., LLC ("Debtor") in the United States Bankruptcy Court for the Southern District of Indiana, New Albany Division (the "Court").

4. On December 27, 2010, the Court entered an order approving the appointment of the Trustee and on December 28, 2010, entered an order for relief.

5. On March 17, 2011, the Court entered an order approving The BMC Group, Inc. ("BMC") as the Trustee's claims and noticing agent in the Chapter 11 Case. Pursuant to that order, BMC was authorized and directed to, among other things, maintain the official claims register ("Claims Register") for all filed proofs of claim in the Chapter 11 Case. A copy of that Claims Register and all filed proofs of claim in the Chapter 11 Case can be viewed at <http://www.bmcgroup.com/restructuring/Claims.aspx?ClientID=271>.

#### **Reservation of Rights**

6. The Trustee reserves the right to object to any of the Claims that are the subject of this Duplicate Claim Objection on any grounds other than the reason given in this Duplicate Claim Objection. The Trustee further reserves the right to object to claims not included on the attached Exhibit A on the same or similar grounds listed in this Duplicate Claim Objection. Separate notice will be given and a separate hearing will be scheduled for any other objections.

#### **Description of Exhibit A**

7. Each creditor who filed a Claim is hereinafter referred to as a "Claimant." The attached Exhibit A lists Claimants alphabetically and has five (5) columns. The first column is titled "Claimant" and lists the name of the person or entity who asserts the respective Claim. The second column is titled "Claim Number" and lists the number assigned to the Claim by the Claims Register. The third column is titled "Date Filed" and lists the date the Claim was filed. The fourth column is titled "Amount Claimed" and lists the amount claimed on the respective Claim. The fifth and final column is titled "Grounds for Objection" and specifically describes the

Trustee's asserted basis for each individual objection.

**Request for Relief**

8. By this Duplicate Claim Objection, the Trustee seeks entry of an order disallowing and expunging for all purposes the Claims identified on attached Exhibit A.

9. The Trustee objects to the Claims on attached Exhibit A pursuant to 11 U.S.C § 502(b)(1) because the Claims are revised by other later-filed claims and/or are duplicates of other filed claims.

10. Because very few, if any, of the Claimants marked the appropriate box on the later-filed proof of claim form indicating an intent to amend a previously filed claim, it is difficult to determine whether the Claimant intended to amend an earlier filed proof of claim or just filed a duplicate claim. If two proofs of claim are identical, the Trustee assumes that the later-filed proof of claim is a "Duplicate Claim." If a later-filed proof of claim differs in any way from an earlier-filed proof of claim, the Trustee assumes that the later-filed proof of claim amends the earlier-filed proof of claim and is therefore an "Amended Claim".

11. Nevertheless, whether the later-filed claim amends the Amended Claim or is a Duplicate Claim with respect to other filed claims, the Trustee believes the Claims Register already includes a proof of claim that asserts the same Claim as the Claim objected to. Each Claimant is not entitled to recover twice on the same Claim.

12. Thus, the Trustee objects to the Claims and requests that they be disallowed and expunged for all purposes.

**Notice**

13. The Trustee will serve copies of this Duplicate Claim Objection on all Claimants. **CLAIMANTS RECEIVING A COPY OF THIS DUPLICATE CLAIM**

**OBJECTION SHOULD LOCATE THEIR NAMES AND CLAIMS ON ATTACHED  
EXHIBIT A.**

14. Any party may obtain a copy of this Duplicate Claim Objection and Exhibit by requesting the same from counsel for the Trustee at (317) 237-1176.

15. The Trustee submits that such notice of this Duplicate Claim Objection is sufficient under Bankruptcy Rule 3007 and that no further notice is necessary.

**Responses to Duplicate Claim Objection**

16. Any Claimant that wishes to contest the relief requested in this Duplicate Claim Objection must file a written response with the Court no later than 4:30 p.m. EST on December 19, 2012. Responses must be filed with the Clerk of the United States Bankruptcy Court, Southern District of Indiana, New Albany Division, 110 U.S. Courthouse, 121 West Spring Street, New Albany, IN 47150 and served on Trustee's Counsel, Faegre Baker Daniels LLP, 300 N. Meridian Street, Suite 2700, Indianapolis, IN 46204 (Attn: Dustin DeNeal).

WHEREFORE, the Trustee respectfully requests that the Court enter an Order disallowing and expunging for all purposes the Claims identified on attached Exhibit A and for all other just and appropriate relief.

Respectfully submitted,

FAEGRE BAKER DANIELS LLP

By: /s/ Dustin R. DeNeal

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### CERTIFICATE OF SERVICE

I hereby certify that on November 19, 2012, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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I further certify that on November 19, 2012, a copy of the foregoing pleading was mailed by first-class U.S. Mail, postage prepaid and properly addressed, to the following:

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